

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1517

(Delegate Donoghue)

Health and Government Operations

Education, Health, and Environmental Affairs

**Respiratory Care Practitioners, Radiation Therapists, Radiographers, Nuclear
Medicine Technologists, and Radiologist Assistants - Various Changes**

This bill repeals the respiratory care practitioner veterans program as well as the authority of the Board of Physicians to grant inactive status or issue temporary licenses to a respiratory care practitioner. In addition, the practice of radiology assistance is defined as well as the scope of a radiologist assistant who must be licensed by the board under the bill. The bill updates titles of various certified professionals currently regulated by the board and requires them to be licensed rather than certified to reflect current nomenclature used in the profession. The responsibilities of the Respiratory Care Professional Standards Committee and the renamed Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee as well as the membership of each committee are altered to reflect current practice and representation in the State as well as the new requirement for licensure of radiologist assistants. The bill also • modifies the grounds on which a licensee is subject to disciplinary action; • adds civil and administrative penalties in certain circumstances; • requires an affirmative vote of a majority of a quorum before the board can take disciplinary action against a licensee; and • makes various other changes regarding licensure and renewal, including requiring continuing education as well as technical changes.

Fiscal Summary

State Effect: Special fund revenues would increase beginning in FY 2009 due to licensing fees paid by radiologist assistants. Special fund expenditures would increase minimally due to the addition of two board members and board licensing activity. In addition, to the extent that penalties are imposed as a result of the bill, general and special fund revenues could increase beginning in FY 2009.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A licensed respiratory care practitioner is a respiratory care practitioner who is licensed by the Board of Physicians to evaluate, care for, and treat, including the diagnostic evaluation of, individuals who have deficiencies and abnormalities that affect the pulmonary system and associated aspects of the cardiopulmonary and other systems under the supervision of and in collaboration with a physician.

To qualify for a respiratory care practitioner license, an applicant has to be • of good moral character; • be at least 18 years old; • be certified by a national certifying board; • have graduated from a respiratory care educational program that is accredited by the Council on Accreditation of Allied Health Education programs; and • meet the educational and clinical training requirements established by the committee. A license expires on a date set by the board unless the license is renewed for an additional term. The board has to reinstate the license of a respiratory care practitioner who has not placed the license on inactive status and who has failed to renew the license for any reason if the respiratory care practitioner • applies for reinstatement within 30 days after the date the license expires; • meets renewal requirements; and • pays the board a reinstatement fee.

The board has to place a licensee on inactive status if the licensee submits an application for inactive status on the form required by the board and the inactive status fee set by the board. The board has to issue a license to an individual who is on inactive status if the individual complies with the renewal requirements that exist at the time the individual changes from inactive to active status.

The board can issue a temporary license to an applicant who • has met the appropriate requirements for licensure of a respiratory care practitioner; or • has graduated from a respiratory care educational program that is accredited by the Council on Accreditation of Allied Health Education Programs and has applied for the first available national certifying examination. A temporary license expires 45 days after the date when the results of the first examination that the holder was eligible to take are made public. The board may not issue more than two temporary licenses to an individual.

The Respiratory Care Professional Standards Committee is responsible for making recommendations to the board regarding the practice, regulation, ethics, education requirements, and licensing activity of respiratory care.

The “Veterans’ program” means a veterans’ internship program in respiratory care for qualified veterans who are working in hospitals. Qualified veterans include individuals who • served on active duty in the U.S. armed forces; • have been honorably discharged; and • meet other requirements of the program.

“Certified medical radiation technologist” means a medical radiation technologist who is certified by the board to practice medical radiation technology. “Certified nuclear medicine technologist” means a nuclear medicine technologist who is certified by the board to practice nuclear medicine technology. To qualify for a certificate, an applicant has to be of good moral character; at least 18 years old; demonstrate oral and written competency in English; and meet any educational, training, or examination requirements by the board. A certificate expires on the date set by the board unless the certificate is renewed for an additional term. The board has to renew the certificate of each individual who meets specific requirements.

The board can adopt an internship program to allow the practice of radiation oncology/therapy technology, medical radiation technology, medical radiation technology, or nuclear medicine technology by an individual without a certificate who has not met the examination requirement. An individual qualifies if he or she meets all other requirements and is waiting for • the opportunity to take the examination within 60 days after graduation from an educational program approved by the board; or • the results of the examination taken within 60 days after graduation from an educational program approved by the board.

The Radiation Oncology/Therapy Technology, Medical Radiation Technology, and Nuclear Medicine Technology Advisory Committee is charged with making recommendations, reviewing applications, investigating complaints, and advising the board on matters related to the practice of radiation oncology/therapy technology, medical radiation technology, and nuclear medicine technology.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

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